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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,692	08/10/2001	Gerard Stephan	210308-Adapter	6102

4988 7590 11/19/2002

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EXAMINER

MAI. TRIM

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M

<b>Office Action Summary</b>	Application No. 09/927,692	Applicant(s) STEPHAN, GERARD	
	Examiner Tri M. Mai	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 112*

2. Claims 1, 4, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the claim recites "internal and external threads" in line 1. The body again recites female threads and male threads. It is unclear whether they are the same elements. If yes, this is a double inclusion.

In claim 1, 4, and 5, "top and bottom surfaces" has no antecedent basis.

#### *Claim Rejections - 35 USC § 103*

3. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by DeJong, or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over DeJong. DeJong teaches an adapter ring with a internal and external threads as claimed having a cylindrical ring 28 having an internal void therein, female threads 50 on an inner wall of the ring, the cylindrical ring has an external male threads on an outer wall 60, a resilient sealing flange 68 with a flat bottom, a top chamber defined by chamber portion 56 having a smooth cylindrical interior wall. With respect to the sealing flange being flat on top surfaces, there is at least a portion on the top surface adjacent the opening 68 is flat as claimed. The claim does not require all area on the top surface to be flat.

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To the degree it is argued that all area on the top surface to be flat, it would have been obvious to one of ordinary skill in the art to provide the sealing ring in DeJong with a flat top to provide an alternative shape for the sealing ring. It is noted that the claimed sealing ring with a flat top does not impart any functional differences over the sealing ring in DeJong. The claimed ring is nothing more than one of numerous designed shapes.

Furthermore, to the degree it is argued that portion 56 in DeJong does not define the top chamber. It would have been obvious to one of ordinary skill in the art to eliminate portion 54 when the functionality of coupling the top with different sized nipples is not needed and/or desired.

#### ***Response to Arguments***

4. Applicant's arguments filed 09/06/02 have been fully considered but they are not persuasive. With respect to the DeJong reference, applicant argues that DeJong fails to teach the resilient ring with flat top and bottom surfaces. As set forth above, the claims do not read over the DeJong et al. reference. Furthermore, it would have been obvious to one of ordinary skill in the art to provide the sealing ring in DeJong with a flat top to provide an alternative shape for the sealing ring. It is noted that the claimed sealing ring with a flat top does not impart any functional differences over the sealing ring in DeJong. The claimed ring is nothing more than one of numerous designed shapes. With respect to the argument that the shape in DeJong does not impart resiliency, it is submitted that resiliency is inherent with the device being made from plastic material, similar to the material in DeJong. The sealing between the bottle and the device is made by the flat lower surface of the ring, this is exactly what is shown in DeJong, the top flat surface does not impart any functional differences over how well the seal with the bottle

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is made. Furthermore, the angled top surface of DeJong is made to provide added structural integrity. Obviously, one of ordinary in the art can eliminate the angled portion when its functionality when it is not desired. See, Ex parte Rainu, 168 USPQ 375 (PTO Bd. Of App. 1969).

Furthermore, to the degree it is argued that portion 56 in DeJong does not define the top chamber. It would have been obvious to one of ordinary skill in the art to eliminate portion 54 when the functionality of coupling the top with different sized nipples is not needed and/or desired. See, Ex parte Rainu, 168 USPQ 375 (PTO Bd. Of App. 1969).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai  
Examiner  
Art Unit 3727

*T. Mai*

November 18, 2002